



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/932,388	08/17/2001	William R. Maulsby	36891.0000	4444

7590 01/13/2005

Christopher J. Gaspar
Milbank, Tweed, Hadley & McCloy LLP
1 Chase Manhattan Plaza
New York, NY 10005-1413

EXAMINER

RUHL, DENNIS WILLIAM

ART UNIT	PAPER NUMBER
----------	--------------

3629

DATE MAILED: 01/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/932,388

Applicant(s)

MAULSBY ET AL.

Examiner

Dennis Ruhl

Art Unit

3629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-46 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>(7/10/03)</u> | 6) <input type="checkbox"/> Other: _____ |

Applicant's amendment of 11/1/04 has been entered. The examiner will address applicant's remarks at the end of this office action.

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 33-38,40-46 are rejected under 35 U.S.C. 102(b) as being anticipated by DeLorme et al. (5948040).

For claims 33-35,37,41-46, Delorme discloses a system and method for allowing a consumer to plan a trip. Delorme discloses the use of the Internet. Delorme discloses that the trip planning includes allowing the consumer to purchase or obtain tickets (reservation) to numerous types of events such as a scuba diving charter, an outdoor expedition, restaurant reservations, theme parks, tours, etc.. The system of Delorme has the ability to "link" the consumer with service providers to enable the consumer to secure a reservation for transportation to the event (i.e. ground transportation). See column 10, lines 19-21. Also see column 8, lines 42-45; column 1, lines 29-31; column 17, lines 19-20. Delorme discloses ground transportation such as a bus (see figure 1C), a train and automobile (column 8,lines 42-45), and taxis (column 21, lines 45-47). The claimed event can be the consumer getting a ticket for an airline flight and securing a reservation for transportation to the airport. Choosing ground transportation is an indication that an identifier (icon or link) has been selected. Data is

Art Unit: 3629

provided by the consumer that represents arrangement for the ground transportation from the consumer's home to the airport.

For claim 36, when linking a consumer to a ground transportation provider, the web page of the service provider is generated by another entity.

For claims 38,40, a consumer may choose to rent a rental car for ground transportation to the event and this is the same as securing a seat on a ground transportation vehicle (i.e. the driver's seat).

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Art Unit: 3629

5. Claims 1-32,39, are rejected under 35 U.S.C. 103(a) as being unpatentable over DeLorme et al. (5948040).

Delorme discloses the invention substantially as claimed as addressed in the 102 rejection above.

For claims 1-4,8-32,39, not disclosed is that the ground transportation vehicle is a bus, motor coach, or a van. Delorme discloses that the consumer can reserve ground transportation but simply fails to state that the ground transportation includes a bus, motor coach, or a van. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the ground transportation options include busses, a motor coach, or a van because these are common modes of transportation that one of ordinary skill in the art would consider. The Greyhound TM Bus Company has been around for many years and provides cheap transportation for the consumer concerned with their travel budget expenses. Linking a consumer to a bus company is considered obvious. With respect to the van embodiment, it is old and well known that one can rent a van as a rental car instead of a traditional 2 or 4 door sedan type of vehicle. It would have been obvious to one of ordinary skill in the art at the time the invention was made to link consumers to car rental agencies that rent vans, so large families or people that require more space for luggage or gear can be accommodated. Because Delorme discloses that the consumer can be linked to transportation providers to arrange for transportation to and from numerous events, the type of transportation claimed is not considered sufficient to distinguish over Delorme because the difference is considered obvious.

For claim 5, a consumer may choose to rent a rental car (van) for ground transportation to the event and this is the same as securing a seat on a ground transportation vehicle (i.e. the driver's seat).

For claim 6 Delorme discloses that the ticket for admission to the event can be purchased prior to securing ground transportation.

For claim 7, when one reserves ground transportation commensurate with their trip itinerary (where they are going and when), a route is to be specified.

6. Applicant's arguments filed 11/1/04 have been fully considered but they are not persuasive.

With respect to applicant's arguments for patentability, arguing that Delorme does not disclose ground transportation in the form of a van, bus, or motor coach is non persuasive. Because Delorme discloses that the consumer can be linked to transportation providers to arrange for transportation to and from numerous events, the type of transportation claimed is not considered as sufficient to distinguish over Delorme as set forth in the prior art rejections of this office action. For claims 13,27, Delorme discloses the use of the Internet to perform the trip planning so an Internet page of some kind is inherent when requesting ground transportation. For claim 28, Delorme can take in ground transportation orders and this satisfies what is claimed in claim 28. Because the processor can take an order for transportation it does not matter if it is for a bike, a car, or a plane. The processor is configured to receive data as claimed. The

argument for claim 28 is essentially arguing that the type of data the processor is intended to process renders the processor patentable, which is non-persuasive.

The examiner also takes notice that the limitation argued for patentability by applicant's counsel with respect to claims 1-32 is not found in newly presented independent claim 33 and not explanation for claim 33 has been provided.

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dennis Ruhl whose telephone number is 703-308-2262. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on 703-308-2702. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



DENNIS RUHL
PRIMARY EXAMINER